

Application No. 10/749,164

REMARKS

Claims 1-14 and 23-26 are pending. Claims 2, 9, and 23-26 stand rejected. Applicant respectfully acknowledges the allowance of claims 1, 3-8, and 10-14. By this Amendment, claims 2, 9, and 24 are amended.

Rejection Under 35 U.S.C. §112, Second paragraph

Claims 2, 9, and 24 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 2, 9, and 24 have been amended to particularly point out and claim the subject matter which Applicants regard as the invention. Applicants have clarified the limitations related to "Y" in claims 2, 9, and 24. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 2, 9, and 24 under 35 U.S.C. §112, second paragraph.

Rejection Under 35 U.S.C. 102(e)

Claims 23-26 are rejected under 35 U.S.C. 102 (e) as being anticipated by Tokarski et al. in U.S. Patent Application Publication 2004/0170910. As suggested by the Examiner, Applicants have submitted herewith a Declaration Under 37 CFR 1.132, indicating that the invention disclosed and not claimed in the above-noted reference is derived from the inventor of the instant application and is thus not the invention "by another". Applicants respectfully request reconsideration and withdrawal of the rejection of claims 23-26 under 35 U.S.C. 102 (e).

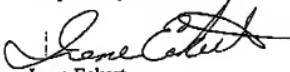
Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

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The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,


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